

the term "juxtaposition" in the Goicoechea et al. patent suggests an overlapping configuration. The Examiner relied upon column 4, lines 50-54; column 4, lines 63-66; and column 6, lines 7-12 in reaching this conclusion. The Examiner further questioned "[W]hy would Goicoechea et al. make the statement that 'blood can flow through the frustoconical proximal portion 52 into each of the branched arteries through the first and second distal frustoconical portions 58, 60' (column 11, lines 63-66) if the distal frustoconical portions were not intended to at least partially project into the branched arteries?" Finally, the Examiner stated that the prosthesis 50 is believed to be "certainly capable" of being inserted at a bifurcation in an overlapping manner even if such were not the intent.

Applicants must maintain, however, that the term "juxtaposition" does not suggest the subject matter recited in the claims, i.e., a body having a first leg that extends into one of the second and third sections of bifurcated vasculature in combination with an extender in the form of a graft that mates with the first leg. It has been the Applicants' assertion that the term "juxtaposition" does not mean that one structure extends within another structure (e.g., within a branch vessel). To the extent that the Examiner is equating the phrase "extends within" to "an overlapping configuration," the Applicants also cannot agree that "juxtaposition" means "an overlapping configuration." Perhaps the most obvious use of the term "juxtaposition" in the Goicoechea et al. patent which supports the Applicants' argument that the term does not suggest "extends within" or for that matter, "an overlapping configuration," is found at column 3, line 12 of the Goicoechea et al. specification, whereat a proximal portion of a bifurcated intraluminal

stent is described as being positioned in a blood vessel in "juxtaposition" with a bifurcation. Clearly, since a proximal portion of a structure is defined in the Goicoechea et al. patent as meaning "nearest to the heart," such a proximal portion is not taught to be placed in an "overlapping configuration" with a branch vessel at a bifurcation. Referring now to column 4, line 27 and column 11, line 24, additional support for the Applicants' proffered meaning of the term "juxtaposition" is provided. These particular sections of the specification of the Goicoechea et al. patent describe securing "juxtaposed apices" of filaments defining the disclosed stent structure. Such "juxtaposed apices" are not overlapping but rather are positioned side-by-side and secured to each other by a loop, ring or staple.

Turning now to the sections of the Goicoechea et al. patent upon which the Examiner relies, a close reading of the language at column 4, lines 50-54 of the specification reveals that the term "juxtaposition" again does not mean "extends within," which is recited in each of the claims. In fact, the term "juxtaposition" simply means that the second frustoconical stent portion of the female cooperating portion is secured to the distal end of the proximal stent portion next to the first frustoconical portion. Significantly, the second frustoconical portion does not "extend within" or "overlap" the first frustoconical portion but instead resides in its own space, separate from the first frustoconical portion. Moreover, the reference at column 4, lines 63-66 of the Goicoechea et al. specification refers to a biocompatible fabric which is configured next to and over a stent structure. That is, the biocompatible fabric lies adjacent to the stent structure but is not placed transverse structure defining the stent and as such, the term

"juxtaposition" in this context also does not mean "extends within." Again, this also holds true to the extent the Examiner has equated "an overlapping configuration" to "extends within." Finally, concerning the reference to the term "juxtaposition" found at column 6, line 9, it is submitted that the use of the term is the same as that found at column 3, line 9 in that it merely means next to a bifurcation. More appropriately, the term "extend" appearing at column 6, line 11 and not "juxtaposition" is used to describe structure which reaches into a branch artery.

To respond to the Examiner's question regarding the meaning of the language set forth at column 11, lines 63-66 of the specification, it is respectfully submitted that the embodiment of FIG. 5 relied upon by the Examiner to reject the claims would work the same as the stent device shown in FIGS. 26 and 27. Clearly, the distal portion of the stent device of FIGS. 26 and 27 permits blood to flow through the device and into each of the branched arteries formed at the bifurcation. The Applicants again respectfully assert that the language at column 11, line 66 et seq. does not suggest that the first and second distal frustoconical portion, 58, 60 extend within the branch vessels. The Applicants have shown that the term "juxtaposition" does not mean structure extending within other structure. Moreover, the specification at column 11, line 66 et seq. clearly indicates that should a prosthesis be required in one or more of the branched arteries, "a separate prosthesis comprising a stent of the type shown in FIG. 1B referred to above with fabric can be connected to the bifurcated prosthesis 50."

Accordingly, it is believed that we are left with the Examiner's statement that the prosthesis is "certainly capable of being inserted into a complimentary sized bifurcation

in an overlapping manner even if such were not the intent." However, the Applicants respectfully submit that the Goicoechea et al. patent simply does not recognize nor contemplate the subject matter recited in the pending claims. In each of the disclosed embodiments, an extender in a form of a graft is not attached to a leg of a bifurcated structure which is placed in a branch vessel at a bifurcation. It is respectfully submitted that it is only through improper hindsight that one can conclude that the embodiment of FIG. 5 was intended to include a leg placed within a branch vasculature that is further extended by an extender in the form of a graft. Without such a recognition in the Goicoechea et al. patent, it is believed that the pending claims are not anticipated thereby. Moreover, even if the embodiment of FIG. 5 was configured within vasculature as the Examiner has suggested it is so capable, it is more likely that the legs would not be further extended. Should the legs need to be extended, there would be no motivation to place the device of FIG. 5 so precisely so that its short legs extend within a branch vessel when the Goicoechea et al. patent teaches mating the bifurcated structure with distal stents that bridge the distance from the bifurcated structure to a branch vessel.

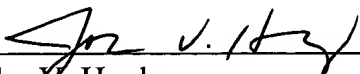
CONCLUSION

Applicant has attempted to respond to each and every rejection set forth in the outstanding Office Action. In view of the above remarks, Applicants respectfully request

that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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